

**UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA**

PHOENIX CAPITAL GROUP HOLDINGS, LLC

Plaintiff,

v.

INCLINE ENERGY PARTNERS, L.P.

Defendant.

Case No. 1:23-cv-00209

**PLAINTIFF’S MOTION FOR LEAVE TO SUBMIT ADDITIONAL  
FILINGS RELATED TO PENDING MOTIONS TO DISMISS**

Pursuant to D.N.D. Civ. L.R. 7.1(C), Plaintiff Phoenix Capital Group Holdings, LLC (“Phoenix”) hereby moves for leave to submit additional filings relating to Defendant Incline Energy Partners, L.P.’s (“Incline Energy”) pending motions to dismiss/transfer (Dkt. Nos. 6, 8, 10; the “Motions”). Specifically, Phoenix requests leave to file supplemental briefs in opposition to each of the Motions. Good cause exists for this request, based on (1) newly discovered facts that expose the false and misleading nature of Incline Energy’s jurisdictional/transfer arguments and the declaration of William Francis submitted in purported support thereof; and (2) the appearance of new counsel on behalf of Phoenix, whose investigation indicates there are additional grounds for denial of the Motions which the Court should consider to ensure a ruling based on all of the applicable facts and law. In the alternative, and in the interests of conserving the resources of the Court and parties, Phoenix requests that the Court hold the Motions in abeyance pending the filing and resolution of Phoenix’s anticipated motion for leave to file an amended complaint.

Dated: February 23, 2024

By: /s/ Ronald H. McLean

Ronald H. McLean (ND #03260)  
Ian R. McLean (ND #07320)  
SERKLAND LAW FIRM  
10 Roberts Street North  
Fargo, ND 58102-4982  
Phone: 701.232.8957  
Fax: 701.237.4049  
[imclean@serklandlaw.com](mailto:imclean@serklandlaw.com)  
[rmclean@serklandlaw.com](mailto:rmclean@serklandlaw.com)

and

John T. Ryan (*admitted Pro Hac Vice*)  
Latham & Watkins LLP  
12670 High Bluff Drive  
San Diego, CA 92130  
Phone: 858.523.5400  
[jake.ryan@lw.com](mailto:jake.ryan@lw.com)

Andrew R. Gray (*admitted Pro Hac Vice*)  
Latham & Watkins LLP  
650 Town Center Dr. 20th Fl.  
Costa Mesa, CA 92626  
Phone: 714.540.1235  
[andrew.gray@lw.com](mailto:andrew.gray@lw.com)

***Attorneys for Plaintiff***  
***Phoenix Capital Group Holdings, LLC***